

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Deptt.- Sri M.Subba Rao, the then AE (Retired), MP Kankipadu, Krishna District – Committed certain irregularities in execution of Individual Sanitary Latrines in MP Kankipadu, Krishna District – Placed under suspension – Charges framed – Enquiry conducted – Report submitted – Charges held proved – SCN issued – Explanations submitted - Imposing a punishment of withholding of 5% cut in pension for One (1) year under Rule 9 of APRP Rules, 1980 duly treating the suspension period as not on duty as per the provisions under FR.54-(B)(7) in accordance with G.O.Ms.No.307, Finance (FR.II) Department, dt.3.12.2012 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT(VIG.I) DEPARTMENT

G.O.Rt.No.455

Dated.08.05.2015.

Read the following:-

1. From the ENC, PR, Hyd., Lr.No.D.II(2)/17670/97, dt.17.6.2002.
2. Procgs.No.DII/2/17670/97, dt.20.8.2003 of ENC, PR, Hyd.,
3. Memo No.SO.II/1/17670/97, dt.6.12.03 of ENC, PR, Hyd., (AOCs)
4. WSD of Sri M.Subba Rao, the then AE (U/s), Kakinada, dt.5.1.04.
5. G.O.Rt.No.986, PR&RD (Vig.II) Deptt., dt.13.7.2007.
6. G.O.Rt.No.713, PR&RD (Vig.II) Deptt., dt.13.5.2008.
7. From Smt.Chandana Khan, IAS., COI and IA, D.O.Lr.No.668/COI-CK/A1/2008, dt.7.7.2009.
8. U.O.Note No.11939/Vig.II/A2/2004-24, dt.10.04.2014.
9. Govt.Memo No.11939/Vig.I/2004, dt.04.09.2014.(SCN)
10. Explanations of Sri M.Subba Rao, the then AE (Retired), dt.18.9.14.
11. Govt., Letter No.11939/Vig.I/2004, dt.04.03.2015.
12. From the Secretary, Lr.No.246/RT/3/2015, dt.16.04.2015.
13. Judgment of Hon'ble High Court in WP No.27971/2014 dt.19.2.2015.
14. Repr. of Sri M.Subba Rao, the then AE (Retired) dt.07.04.2015.

ORDER:

In the reference 1st read above, the Engineer in Chief, Panchayat Raj, Hyderabad, has reported that Sri M.Subba Rao, the then Assistant Engineer (Retired), and Smt.R.S.Rama Kalyani, the then Sr. Inspector of Co-op., Societies and I/c Mandal Parishad Development Officer, Kankipadu (M), Krishna District who have committed certain irregularities in execution of Individual Sanitary Latrines in MP Kankipadu, Krishna District.

2. In the reference 2nd cited, the Accused Officer Sri M.Subba Rao, the then Assistant Engineer, has been placed under suspension.

3. In the reference 3rd cited, the disciplinary proceedings have been initiated duly framing article of charges against the Accused Officer calling for his written statement of defense on the above irregularities.

4. In the reference 4th cited, Sri M.Subba Rao, the then Assistant Engineer has submitted his written statement of defence, duly denying the charges, requested to drop further action against him.

5. As the explanation of the Accused Officer was not convincing, in the reference 6th cited, Government, have appointed Smt. Chandana Khan, IAS., Commissioner of Inquiries as Inquiring Authority to inquire into the charges framed against the Accused Officer and to submit enquiry report.

6. In the reference 7th cited, the Inquiring Authority has submitted inquiry report and holding that there is certain amount of procedural irregularities and lack of supervision on the part of Accused Officer.

7. Government after careful examination of the findings of the Inquiring Authority, have provisionally decided to impose 5% cut in pension for one year against Sri M.Subba Rao, the then Assistant Engineer (Retired), Kankipadu (M), Krishna District on the said irregularities. Accordingly, show cause notice was issued to the Accused Officer Sri M.Subba Rao, the then Assistant Engineer (Retired) calling for his explanations on the proposed punishment, vide reference 9th read above. The Accused Officer has submitted his explanations, vide reference 10th read above which was not convincing.

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8. Government have consulted the Andhra Pradesh Public Service Commission in the ref. 11th read above, to convey its concurrence to the proposed punishment. The Andhra Pradesh Public Service Commission in its letter 12th read above, has conveyed their concurrence to the Government decision.

9. In the reference 13th read above, the Hon'ble High Court has pronounced judgment dt.19.02.2015 in WP No.27971/2014 filed by the Govt., against the orders of the Hon'ble APAT in OA No.6002/2013, dt.01.11.2013, are as follows:

“...the Tribunal has erred in directing that the period of suspension of the respondent should be treated as on duty. The only relief which could have been granted by the Tribunal is to direct the Government to consider, within a specified timeframe, how the period of suspension of the respondent should be treated. The order of the Tribunal is set aside. The petitioners herein shall examine the first respondent’s claim, for the period of his suspension being treated as on duty, at the earliest and, in any event, not later than two months from the date of receipt of a copy of this order. To the extent indicated hereinabove, the order of the Tribunal is set aside”.

“The Writ Petition is, accordingly, disposed of. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs”.

10. In the reference 14th read above, the Accused Officer, Sri M.Subba Rao, the then Assistant Engineer (Retired) has submitted his representation, among other things, requested to release full pension, pensionary benefits and to treat the suspension period as on duty.

11. It has been observed by the Government, that there are no fresh grounds, valid and tenable, urged by him, which call for a review of the provisional decision taken by the Government., as all his averments and contentions have already been examined by the Government, therefore, his request for release of full pension and to treat the suspension period as on duty and to release the increments in respect suspension period, may not merit any consideration. Hence, the suspension period of the Accused Officer is wholly justified under FR 54-B(3), since, the Accused Officer has committed serious irregularities in execution of Individual Sanitary Latrines in MP Kankipadu, Krishna District.

12. Government have examined the matter carefully and decided to impose a punishment of withholding of 5% cut in pension for one(1) year against Sri M.Subba Rao, the then AE (Retired), MP Kankipadu, Krishna District, under Rule 9 of Andhra Pradesh Revised Pension Rules 1980, duly treating the suspension period as “Not on Duty” as per the provisions under FR.54-(B)(7) in accordance with G.O.Ms.No.307, Finance (FR.II) Deptt., dt.3.12.2012, since the charges are held proved. Accordingly, Government hereby order to impose a punishment of withholding of 5% cut in pension for one(1) year against Sri M.Subba Rao, the then AE (Retired), MP Kankipadu, Krishna District, under Rule 9 of Andhra Pradesh Revised Pension Rules 1980, duly treating the suspension period as “Not on Duty” as per the provisions under FR.54-(B)(7) in accordance with G.O.Ms.No.307, Finance (FR.II) Deptt., dt.3.12.2012, with immediate effect.

13. The Engineer in Chief, Panchayat Raj, Hyderabad, shall take action accordingly under intimation to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY
SECRETARY TO GOVERNMENT

To

Sri M.Subba Rao, the then AE (Retired), MP Kankipadu,
Krishna District through the ENC, PR, Hyd.,
The Engineer in Chief , Panchayat Raj, Hyderabad.

Copy to:

The Secretary to VC, APVC, Hyderabad.
The District Treasury Officer, Krishna District.
The Accountant General, Andhra Pradesh, Hyderabad,
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
Sf/Sc.

//FORWARDED::BY::ORDER//

SECTION OFFICER